

REMARKS

In response to the Office Action mailed July 24, 2006, Applicants submit the following amendment and remarks and request reconsideration thereof. In this Amendment, Applicants amend the specification, Abstract, claims 1-9, 11, 16-19, and 21-22. Claims 23-25 were withdrawn in a previous election. Claims 10 and 20 are cancelled herein and claims 26 and 27 are newly added and respectfully submitted for the Examiner's consideration.

Telephonic Interview

Applicants thank the Examiner for his time and comments during the telephonic interview conducted with Applicants' representatives, Damon Boyd and Damon Ashcraft on October 23, 2006. In that interview, Mr. Ashcraft and Mr. Boyd noted that the Rogers patent failed to disclose a shopping cart cover that covers both the child seat and food basket portion of the shopping cart as does the present invention. Mr. Ashcraft and Mr. Boyd pointed out that Applicants' claims as presented were explicitly directed at a shopping cart cover that covered both the child seat and food basket portion of the cart and therefore not anticipated by Rogers.

In response, the Examiner agreed with Applicants' representatives and agreed to withdraw the anticipation rejections. The Examiner also reminded Applicants that the full text of any claims withdrawn should be included with the response and that the claims should be numbered properly.

Amendments to the Specification

Applicants are amending paragraphs 0009 and 0010 to use the trademark CLEAN SHOPPER as an adjective, not a noun. Paragraph 0009 is further amended to clarify the source of the CLEAN SHOPPER cover. No new matter is presented by these amendments and the Examiner is respectfully requested to enter them.

Amendments to the Abstract

The Examiner objected to the Abstract because the phrase “the present invention comprises” was used citing MPEP §608.01(b). In response, Applicants amend the Abstract to delete that phrase. Applicants submit that no new matter is presented by this amendment and respectfully request the Examiner to enter this amendment and withdraw his objection to the Abstract.

Claim Amendments

Applicants amend claims 1 and 16 to expedite this application’s prosecution. Specifically, these claims are amended to recite that Applicants’ shopping cart liner fits in two compartments of a shopping cart, the food compartment and the child compartment. Dependent claims 2-7, 9, 11, 17-19, and 21-22 are amended to ensure that these claims have proper antecedent basis to the independent claims they depend from. Claim 8 is amended to address the Examiner’s rejection of this claim under 35 U.S.C. §112, second paragraph. Claims 10 and 20 are cancelled and the rejection of these claims is now moot and thus, Applicants request withdrawal of any rejections of these claims. Finally, claims 26-27 are added for the Examiner’s consideration.

No new matter is added by these claim amendments. Specifically, independent claim 1 is amended to include the element of a shopping cart and that the liner of the present invention fits within and covers both compartments of the shopping cart, namely the food compartment and the child seat. A shopping cart with a food compartment and child seat and associated liner is described in paragraph 0042 of the specification as filed and shown in FIG. 4. Independent claim 16 is amended to recite that the shopping cart liner is flexible and constructed from a substantially nonporous material which is discussed in paragraph 0043 of the specification as filed. The dependent claims are amended to ensure that they have proper antecedent basis to the independent claims. Therefore, the amended claims are fully supported by the specification and figures as filed.

New claims 26 and 27 also do not contain new matter as they are almost identical to amended claim 1, but add the elements that the liner is constructed from a printable material and further comprises an advertisement. This feature of the present invention is discussed in paragraph 0058 of the specification as filed and shown in FIG. 8. Therefore, these new claims do not introduce new matter into the application. Finally, no fee is owed for the submission of these new claims as Applicants previously paid for at least the total number of claims now pending in the application. See MPEP §607.

The §112 Rejection

The Examiner rejected claim 8 under 35 U.S.C. §112 (second paragraph) because the element of “said cart handle liner tab” lacked proper antecedent basis. In response, Applicants amend claim 8 to depend from claim 7 as suggested by the Examiner. Therefore, Applicants respectfully request that this rejection be withdrawn.

The §102 Rejections

The Examiner rejected claims 1, 2, 5, 9, 11, 12, 14-19, 21 and 22 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,829,835 to Rogers, et al. ("Rogers"). To anticipate a claim, the relied upon reference must disclose every element of the rejected claim. *MPEP* §2131.

The claims as filed included the element of a "cart basket liner," a feature not disclosed by Rogers. Applicants respectfully disagree with the Examiner that the auxiliary bag 70 is a "cart basket liner" as suggested by the Examiner. Under MPEP §2111.01, claim language must be given its "plain meaning." The plain meaning of a "cart basket liner," which is also supported by the specification is something that covers the entire cart basket, not a bag that rests against one portion of the shopping cart as argued by the Examiner. As such, Applicants believe that the claims as filed were not anticipated by Rogers. Nevertheless, to expedite prosecution and advance this application to allowance, Applicant amends the claims as described below.

Independent claim 1 now recites a system for transporting groceries comprising a shopping cart in combination with a shopping cart liner wherein said shopping cart comprises a cart basket comprising a front side, a rear side, and two opposing sides connected to said front side and said rear side, and a child transport area adjacent to said cart basket; said shopping cart liner comprises a single cart basket liner comprising a single basket front liner portion disposed against said front side, a single basket back liner portion disposed against said rear side, and two basket side liner portions disposed against said two opposing sides; a child transport area liner disposed within said child transport area in communication with said single cart basket liner; and a cart handle liner in communication with said cart child transport area liner.

Therefore, independent claim 1 recites a shopping cart liner that covers both the cart basket where food is held and the child transport area. In contrast, Rogers merely discloses a cover that covers only the child seat leaving the cart basket completely exposed. Rogers fails to disclose a cover that covers both the child transport area and the cart basket as now claimed by Applicants. Therefore, Rogers fails to disclose every element of claim 1 and the anticipatory rejection is improper pursuant to *MPEP* §2131 and the Examiner is respectfully requested to withdraw this rejection. Moreover, there is no teaching or suggestion in Rogers alone or in combination with any other cited reference to arrive at the invention as now claimed.

Independent claim 16 now recites a shopping cart liner for use with a shopping cart, said shopping cart liner comprising a flexible cart basket liner constructed of substantially nonporous material comprising a basket front liner portion, a single basket back liner portion, and two basket side liner portions; and a child transport area liner in communication with said flexible cart basket liner.

Therefore, in addition to reciting the feature of “a cart basket liner” that is not disclosed by Rogers, independent claim 16 also recites that that the liner is constructed of a substantially nonporous material. In contrast, Rogers discloses that its child seat cover is “formed of a padded cloth material.” See Rogers column 4, lines 52-54. This padded, cloth material is porous and the opposite of Applicant’s claimed “substantially nonporous material.” Therefore, Rogers fails to disclose every element of claim 16 and the anticipatory rejection is improper pursuant to *MPEP* §2131 and the Examiner is respectfully requested to withdraw this rejection. Moreover, there is no teaching or suggestion in Rogers alone or in combination with any other cited reference to arrive at the invention as now claimed.

Dependent claims 2, 5, 9, 11, 12, 14, 15, 17-19, 21 and 22 all depend from independent claims 1 or 16 and therefore include the elements of these claims. As such, these claims are also not anticipated by Rogers for the reasons set forth above and the Examiner is respectfully requested to withdraw these rejections as well.

The §103 Rejections

The Examiner rejected claims 6-8, 13, and 20 under 35 U.S.C. §103(a) in view of Rogers alone. The Examiner acknowledged that while Rogers fails to disclose the claimed element of a tab for connecting the handle liner to the cart, that this feature of Applicants' invention would be obvious to one of ordinary skill in the art. To render a claim obvious, the reference or references must teach or suggest all the claimed limitations. *MPEP* §2142.

Claims 6-8 and 13 all depend from claim 1. As filed, claim 1 recites the element of a cart basket liner which is neither taught nor suggested by Rogers. As amended, claim 1 clarifies the feature of Applicants' invention whereby the cart liner covers both the child transport area and the cart basket. As noted above, this feature is not taught nor suggested by Rogers. Because claims 6-8 and 13 include these distinguishing elements by virtue of their dependency from claim 1, they are not obvious in view of Rogers and the Examiner is respectfully requested to withdraw these rejections as well. Claim 20 is cancelled by this amendment and the rejection of this claim is moot.

The Examiner rejected claims 3 and 4 under 35 U.S.C. §103(a) when Rogers is viewed with U.S. Patent No. 4,991,978 to Ostrowski ("Ostrowski"). The Examiner acknowledged that while Rogers fails to disclose the claimed element of a liner as including a drawstring with a drawstring fastener, Ostrowski teaches this element and it would be obvious to one of ordinary

skill in the art to arrive at Applicants' invention as claimed in claims 3 and 4 by viewing Rogers with Ostrowski. Again, to render a claim obvious, the reference or references must teach or suggest all the claimed limitations. *MPEP* §2142.

Claims 3 and 4 depend from claim 1. As filed, claim 1 recites the element of a cart basket liner which is neither taught nor suggested by Rogers nor Ostrowski. As amended, claim 1 clarifies the feature of Applicants' invention whereby the cart liner covers both the child transport area and the cart basket. As noted above, this feature is not taught nor suggested by Rogers. This feature is also not taught nor suggested by Ostrowski as Ostrowski merely discloses a towel/bag apparatus. Because claims 3 and 4 include these distinguishing elements by virtue of their dependency from claim 1, they are not obvious when Rogers is viewed with Ostrowski and the Examiner is respectfully requested to withdraw these rejections as well.

Finally, the Examiner rejected claim 10 under 35 U.S.C. §103(a). As noted above, claim 10 is cancelled by this amendment and this rejection is moot.

CONCLUSION

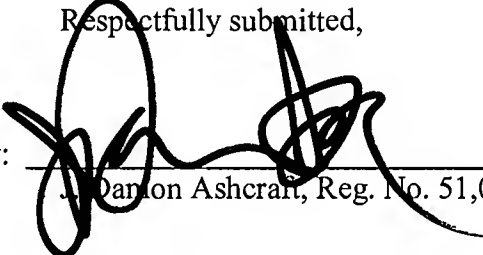
In view of the foregoing, Applicants respectfully submit that all claims now pending are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact Damon Ashcraft at 602-382-6389. Applicants authorize and respectfully requests that any fees due be charged to Deposit Account No. 19-2814.

Date: _____

10/24/06

Respectfully submitted,

By: _____


Damon Ashcraft, Reg. No. 51,024

SNELL & WILMER L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-2202
(602) 382-6389 (telephone)
(602) 382-6070 (facsimile)